

HB 182

HB 1625

HCR 100

FORTY-EIGHTH DAY—THURSDAY, APRIL 1, 1971

The House met at 10:55 a.m. and was called to order by the Honorable L. DeWitt Hale.

The roll of the House was called and the following Members were present:

Mr. Speaker	Davis, H.	Jones, G.	Price
Adams	Denton	Kaster	Reed
Agnich	Doran	Kilpatrick	Rodriguez
Allen, Joe	Doyle	Kost	Rosson
Allen, John	Dramberger	Kubiak	Salem
Allred	Earthman	Lee	Salter
Angly	Farenthold	Lemmon	Sanchez
Atwell	Finck	Lewis	Schulle
Atwood	Finnell	Lombardino	Shannon
Baker	Finney	Longoria	Sherman
Bass, B.	Floyd	Lovell	Short
Bass, T.	Foreman	McAlister	Silber
Beckham	Gammage	McKissack	Simmons
Bigham	Garcia	Mengden	Slider
Blanton	Golman	Moncrief	Smith
Blythe	Grant	Moore, A.	Solomon
Bowers	Graves	Moore, G.	Spurlock
Boyle	Hale	Moore, T.	Stewart
Braecklein	Hanna, Joe	Moreno	Stroud
Burgess	Harding	Nabers	Swanson
Bynum	Harris	Nelms	Tarbox
Calhoun	Hawkins	Neugent, D.	Traeger
Carrillo	Hawn	Newton	Truan
Cates	Head	Nichols	Tupper
Cavness	Heatly	Niland	Uher
Christian	Hilliard	Ogg	Vale
Clark	Holmes, T.	Parker, C.	Von Dohlen
Clayton	Howard	Parker, W.	Ward
Coats	Hubenak	Patterson	Wayne
Cole	Hull	Pickens	Williams
Craddick	Ingram	Poerner	Williamson
Daniel	Johnson	Poff	Wolff
Davis, D.	Jones, E.	Presnal	Wyatt
Absent			
Cobb	Ligarde	Orr	Santiesteban
Hannah, John			
Absent-Excused			
Braun	Hendricks	Murray	Wieting
Caldwell	Holmes, Z.	Nugent, J.	
Cruz	Jones, D.	Semos	
Haynes	Jungmichel	Slack	

A quorum of the House was announced present.

LEAVES OF ABSENCE GRANTED

Mr. Semos, temporarily for today, on motion of Mr. Braecklein.

Mr. Murray on motion of Mr. Garcia.

Mr. Jim Nugent on motion of Mr. Adams.

Mr. Jungmichel on motion of Mr. Traeger.

Mr. Zan Holmes on motion of Mr. Stroud.

Mr. Cruz on motion of Mr. Shannon.

Mr. Haynes on motion of Mr. Kilpatrick.

The following Members were granted leaves of absence for today on account of illness:

Mr. Braun on motion of Mr. Harris.

Mr. Hendricks on motion of Mr. Beckham.

(See April 5 proceedings for unanimous consent for other leaves of absence granted.)

ADDRESS BY SPEAKER G. F. (GUS) MUTSCHER

On motion of Mr. Harding and Mr. Burgess the following remarks, made by Speaker Mutscher on today in addressing the House, were ordered printed in the Journal.

My fellow colleagues:

In order that I may be the first person to assist the Attorney General of Texas, and the other agencies named in HSR 266, I would like to make a statement concerning my transactions relative to National Bankers Life Insurance Company and the Sharpstown Bank.

Many questions and inferences have been made concerning my transactions connected with the purchase of National Bankers Life Insurance Company stock apparently without any effort to determine the actual facts from the sworn records of the Securities and Exchange Commission. In December of 1970, I was contacted by the Securities and Exchange Commission in connection with the investigation of Ling & Company, a Dallas brokerage firm, and National Bankers Life Insurance Company. As requested by the officer of the SEC, I went to Fort Worth and testified voluntarily under oath in connection with the stock transactions that I had with these companies and subsequently provided the SEC with all records requested of me. Today, I am providing you with a complete copy of my testimony before the SEC.

Since I was testifying without prior knowledge of the purpose, scope or intent of the inquiry and about events occurring 14 to 18 months earlier, there were naturally some inaccuracies. Some of these were determined upon returning from the hearing in Fort Worth, and I have attached to my deposition a letter to Mr. Steve Watson of the SEC indicating those inaccuracies. However, the essential facts of the transactions are set forth in the testimony.

The suit filed in Dallas, Texas, by the SEC after the taking of my deposition did not name me as a defendant or as a party thereto. This fact speaks for itself.

The only suit in which I have been named as a defendant is a stockholders civil suit which was filed January 29, 1971, in the U.S. District Court for the Southern District of Texas in Houston, Texas. This suit was brought by two minor stockholders. It is still pending.

Many of you are lawyers and realize the problem under which I have labored since the institution of the civil suit. My attorneys advised me that it would be improper for me to discuss pending litigation. However, I have from the beginning wished to make a statement and since the passage of HSR 266, I have again discussed this matter with my counsel. In response to this resolution, it is appropriate that I be the first to make my contribution toward providing you, the Attorney General, and the other agencies with the information requested.

The suit alleges in general terms, unsupported by any factual information, that the introduction and passage of HB 72 and HB 73, 61st Legislature, 2nd Called Session, were designed to enhance the value of National Bankers Life Insurance Company stock. They have also alleged that I have profited in my stock transactions from "insider" information.

The first broad allegation that HB 72 and HB 73 were enacted to enhance the value of National Bankers Life Insurance Company stock totally disregards the purposes and language of the bills themselves. In the express language of the bills, only a nonprofit corporation could provide insurance for bank deposits. None of the companies involved were nonprofit corporations and therefore could not qualify or benefit from the passage of these two bills.

The idea for a state deposit insurance program has long been discussed in banking circles and has been implemented in other states. The first time I became aware of the idea was during the Connally/Yarborough campaign for Governor. This interest was further reflected by the passage of HSR 337 on May 1, 1969. This resolution created an interim committee to study banking practices in Texas and in particular the feasibility of a state deposit insurance program. This measure was passed at a time when none of us had any knowledge of any special session.

Questions have been raised as to why I purchased this particular stock. Many references have been made to the fact that I financed my purchases of stock by loans at the Sharpstown Bank. I assure you that I had no information upon which to base my desire to purchase National Bankers Life Insurance Company stock that was not available to the general investor in the public market. At no time was there any connection in my mind between any legislation and my private stock investments. This question was raised on at least two occasions during the course of the taking of my deposition by the SEC. I would direct your attention to my sworn answers to the inquiry commencing on page 6 of such deposition and again on page 27, et seq. I believe you can understand that I considered this to be a sound business investment. I want to assure you that at no time during my 6 terms in this House have I ever aided or abetted in the passage of any legislation for a financial consideration—directly or indirectly.

It is true that I financed the purchase of my stock at the Sharpstown Bank. In addition to my personal obligation, supported by a financial statement, my loan was secured by the stock I purchased. As many of you know, this manner of financing unlisted stock purchases is both legal and common practice in the banking industry. In addition, I have known Mr. Sharp, as many others of you in this body have, for his public-spirited acts over many years. I had known Mr. Sharp when I lived in Houston before becoming a Member of the Legislature. His daughter is married to the son of a friend of mine who has extensive property holdings in Washington County. As I stated to the SEC examiner, I wasn't just calling up a stranger and saying, I want to borrow some money from you.

Let me speak now to the so-called "insider profits". My first completed purchase of National Bankers Life Insurance Company stock was 10,000 shares at \$13.00 per share which was completed on July 23, 1969. I sold 7,500 shares of this stock at \$20.00 per share on September 11, 1969. You should know that the SEC records reflect that the Jesuit Fathers, who purchased the 7,500 shares from me at \$20.00 per share as mentioned above sold 30,000 shares of NBL stock at \$25.50 per share less than two months after my sale to them. With the money I received from the 7,500 shares, I paid off my note at the Sharpstown Bank together with the interest and realized a then "net profit" of less than \$20,000. Subsequently, on October 8, 1969, nine days after the veto of HB 72 and HB 73, I purchased 17,000 shares of NBL stock at \$20.50 per share. Had there been any connection between the bills and the company, I certainly would not have bought a large amount of additional stock after the veto. As stated in my SEC testimony, I had faith in the management of the company and was optimistic as to its business potential. Furthermore, it is a matter of public record that the market price of National Bankers Life Insurance Company stock continued to rise thereafter. The stock was as high as \$28.50 per share later in 1969, but is virtually worthless today. It takes no mathematician to readily see that I have sustained a net loss in excess of \$250,000 considering all transactions of any matter involving any of the companies or parties in the SEC suit. There has been no profit in my case.

As the SEC examiner observed after the completion of my sworn testimony at the Fort Worth SEC hearing, "Mr. Speaker, if you had any insider information you certainly did not use it to your benefit."

My fellow Members, I truly believe that what has been stated here today together with my attached SEC testimony should answer any questions you might have regarding these transactions, at least insofar as I might have an answer to your questions.

I would like to take this occasion to again reassure you that I have never compromised my public integrity, my obligations to the Membership of this Body, or to the people of Texas in connection with any private transactions affecting or touching upon my life, including those we have been discussing here today. I believe you know that I hold my service to this Body to be the most important part of my life, next to my wife and family. I assure you it will remain that way in the future.

My family and I have been reassured and at the same time deeply moved by the faith and confidence you have so warmly demonstrated during this period of our lives. I say to you that your confidence has not been misplaced. I know the future will justify your faith.

I take pride in the progress made this session by this Body. Each of us knows the problems still confronting us. I have every confidence that we will continue to meet our challenges in a responsible manner.

VOTE RECORDED

Mr. Graves requested to be recorded as voting Nay on the motion to print in the Journal the remarks by Speaker Mutscher.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was read and was adopted unanimously by a rising vote:

HCR 102, by Edmund Jones, Blythe, Earthman, Craddick, Lee, Angly, Christian, Mengden, Bowers, and Agnich: In memory of Thomas E. Dewey.

On motion of Mr. Angly the names of all the Members of the House were added to the resolution as signers thereof.

Representative Semos entered the House and was announced present.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 305, by Nabers: Extending best wishes to Mrs. Margaret Ariadna Farrington Porter.

INTRODUCTION OF HOUSE BILLS

Mr. Nabers asked unanimous consent to introduce and have placed on first reading HB 1655.

There was no objection offered.

Mr. Salem asked unanimous consent to introduce and have placed on first reading HB 1656.

There was no objection offered.

CONSIDERATION OF BILLS ON THE LOCAL AND CONSENT CALENDAR

Mr. Doran moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the Local and Consent Calendar which were considered on the previous Legislative Day.

The motion prevailed without objection.

HB 988 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 988, Creating Bandera County River Authority.

The bill was read third time and was passed.

Mr. Doran moved to reconsider the vote by which HB 988 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 259 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 259, Creating Hood County Hospital District.

The bill was read third time and was passed.

Mr. Doran moved to reconsider the vote by which HB 259 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 620 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 620, Relating to deer season and prohibiting the taking of spike buck deer in Trinity County.

The bill was read third time and was passed.

Mr. Doran moved to reconsider the vote by which HB 620 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 586 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 586, Prohibiting hunting deer with dogs in Liberty County.

The bill was read third time and was passed.

Mr. Doran moved to reconsider the vote by which HB 586 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 19 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 19, Relating to terms of supervisors of Mayfair Park Municipal Utility District in Fort Bend County.

The bill was read third time and was passed.

Mr. Doran moved to reconsider the vote by which HB 19 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 989 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 989, Extending the power of the Upper Guadalupe River Authority.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb

Orr

Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 989 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 441 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 441, Validating all governmental acts of the Board of Directors of Harris County Utility District No. 4.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb

Orr

Tarbox

Absent-Excused

Braun

Haynes

Jones, D.

Nugent, J.

Caldwell

Hendricks

Jungmichel

Slack

Cruz

Holmes, Z.

Murray

Wieting

Mr. Doran moved to reconsider the vote by which HB 441 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 83 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 83, Requiring new registration of cattle brands in Dimmit County.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Coats	Hawn	Moore, A.
Agnich	Cole	Head	Moore, G.
Allen, Joe	Craddick	Heatly	Moore, T.
Allen, John	Daniel	Hilliard	Moreno
Allred	Davis, D.	Holmes, T.	Nabers
Angly	Davis, H.	Howard	Nelms
Atwell	Denton	Hubenak	Neugent, D.
Atwood	Doran	Hull	Newton
Baker	Doyle	Ingram	Nichols
Bass, B.	Dramberger	Johnson	Niland
Bass, T.	Earthman	Jones, E.	Ogg
Beckham	Farenthold	Jones, G.	Parker, C.
Bigham	Finck	Kaster	Parker, W.
Blanton	Finnell	Kilpatrick	Patterson
Blythe	Finney	Kost	Pickens
Bowers	Floyd	Kubiak	Poerner
Boyle	Foreman	Lee	Poff
Braecklein	Gammage	Lemmon	Presnal
Burgess	Garcia	Lewis	Price
Bynum	Golman	Ligarde	Reed
Calhoun	Grant	Lombardino	Rodriguez
Carrillo	Graves	Longoria	Rosson
Cates	Hanna, Joe	Lovell	Salem
Cavness	Hannah, John	McAlister	Salter
Christian	Harding	McKissack	Sanchez
Clark	Harris	Mengden	Santiesteban
Clayton	Hawkins	Moncrief	Schulle

Semos	Smith	Truan	Williams
Shannon	Solomon	Tupper	Williamson
Sherman	Spurlock	Uher	Wolff
Short	Stewart	Vale	Wyatt
Silber	Stroud	Von Dohlen	
Simmons	Swanson	Ward	
Slider	Traeger	Wayne	

In The Chair**Hale****Absent**

Cobb	Orr	Tarbox
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 83 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 290 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 290, Amending the Uniform Wildlife Regulatory Act, repealing the limitations for Colorado County and including deer in term wildlife resources.

The bill was read third time and was passed by the following vote:

Yeas—188

Adams	Burgess	Dramberger	Hawn
Agnich	Bynum	Earthman	Head
Allen, Joe	Calhoun	Farenthold	Heatly
Allen, John	Carrillo	Finck	Hilliard
Allred	Cates	Finnell	Holmes, T.
Angly	Cavness	Finney	Howard
Atwell	Christian	Floyd	Hubenak
Atwood	Clark	Foreman	Hull
Baker	Clayton	Gammage	Ingram
Bass, B.	Coats	Garcia	Johnson
Bass, T.	Cole	Golman	Jones, E.
Beckham	Craddick	Grant	Jones, G.
Bigham	Daniel	Graves	Kaster
Blanton	Davis, D.	Hanna, Joe	Kilpatrick
Blythe	Davis, H.	Hannah, John	Kost
Bowers	Denton	Harding	Kubiak
Boyle	Doran	Harris	Lee
Braecklein	Doyle	Hawkins	Lemmon

Lewis	Newton	Salter	Swanson
Ligarde	Nichols	Sanchez	Traeger
Lombardino	Niland	Santiesteban	Truan
Longoria	Ogg	Schulle	Tupper
Lovell	Parker, C.	Semos	Uher
McAlister	Parker, W.	Shannon	Vale
McKissack	Patterson	Sherman	Von Dohlen
Mengden	Pickens	Short	Ward
Moncrief	Poerner	Silber	Wayne
Moore, A.	Poff	Simmons	Williams
Moore, G.	Presnal	Slider	Williamson
Moore, T.	Price	Smith	Wolff
Moreno	Reed	Solomon	Wyatt
Nabers	Rodriguez	Spurlock	
Nelms	Rosson	Stewart	
Neugent, D.	Salem	Stroud	

In The Chair**Hale****Absent**

Cobb	Orr	Tarbox
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 290 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 655 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 655, Placing Concho County under the provisions of the Uniform Wildlife Regulatory Act.

The bill was read third time and was passed by the following vote:

Yeas—188

Adams	Baker	Boyle	Christian
Agnich	Bass, B.	Braecklein	Clark
Allen, Joe	Bass, T.	Burgess	Clayton
Allen, John	Beckham	Bynum	Coats
Allred	Bigham	Calhoun	Cole
Angly	Blanton	Carrillo	Craddick
Atwell	Blythe	Cates	Daniel
Atwood	Bowers	Cavness	Davis, D.

Davis, H.	Holmes, T.	Moreno	Sherman
Denton	Howard	Nabers	Short
Doran	Hubenak	Nelms	Silber
Doyle	Hull	Neugent, D.	Simmons
Dramberger	Ingram	Newton	Slider
Earthman	Johnson	Nichols	Smith
Farenthold	Jones, E.	Niland	Solomon
Finck	Jones, G.	Ogg	Spurlock
Finnell	Kaster	Parker, C.	Stewart
Finney	Kilpatrick	Parker, W.	Stroud
Floyd	Kost	Patterson	Swanson
Foreman	Kubiak	Pickens	Traeger
Gammage	Lee	Poerner	Truan
Garcia	Lemmon	Poff	Tupper
Golman	Lewis	Presnal	Uher
Grant	Ligarde	Price	Vale
Graves	Lombardino	Reed	Von Dohlen
Hanna, Joe	Longoria	Rodriguez	Ward
Hannah, John	Lovell	Rosson	Wayne
Harding	McAlister	Salem	Williams
Harris	McKissack	Salter	Williamson
Hawkins	Mengden	Sanchez	Wolff
Hawn	Moncrief	Santiesteban	Wyatt
Head	Moore, A.	Schulle	
Heatly	Moore, G.	Semos	
Hilliard	Moore, T.	Shannon	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 655 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 175 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 175, Relating to jurisdiction of County Court of Fannin County and 6th Judicial District Court over eminent domain proceedings.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 175 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 491 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 491, Staggering terms of board members of Willacy County Drainage District No. 2 and eliminating bond interest ceiling.

The bill was read third time and was passed by the following vote:

Yeas—138

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKiasack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb

Orr

Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 491 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 496 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 496, Adjusting the Aransas County Navigation District No. 1 commissioner's terms, election, compensation and number.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb

Orr

Tarbox

Absent-Excused

Braun

Haynes

Jones, D.

Nugent, J.

Caldwell

Hendricks

Jungmichel

Slack

Cruz

Holmes, Z.

Murray

Wieting

Mr. Doran moved to reconsider the vote by which HB 496 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 492 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 492, Staggering terms of board members of Willacy County Drainage District No. 1 and eliminating bond interest ceiling.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Clayton	Harris	McKissack
Agnich	Coats	Hawkins	Mengden
Allen, Joe	Cole	Hawn	Moncrief
Allen, John	Craddick	Head	Moore, A.
Allred	Daniel	Heatly	Moore, G.
Angly	Davis, D.	Hilliard	Moore, T.
Atwell	Davis, H.	Holmes, T.	Moreno
Atwood	Denton	Howard	Nabers
Baker	Doran	Hubenak	Nelms
Bass, B.	Doyle	Hull	Neugent, D.
Bass, T.	Dramberger	Ingram	Newton
Beckham	Earthman	Johnson	Nichols
Bigham	Farenthold	Jones, E.	Niland
Blanton	Finck	Jones, G.	Ogg
Blythe	Finnell	Kaster	Parker, C.
Bowers	Finney	Kilpatrick	Parker, W.
Boyle	Floyd	Kost	Patterson
Braecklein	Foreman	Kubiak	Pickens
Burgess	Gammage	Lee	Poerner
Bynum	Garcia	Lemmon	Poff
Calhoun	Golman	Lewis	Presnal
Carrillo	Grant	Ligarde	Price
Cates	Graves	Lombardino	Reed
Cavness	Hanna, Joe	Longoria	Rodriguez
Christian	Hannah, John	Lovell	Rosson
Clark	Harding	McAlister	Salem

Salter	Silber	Swanson	Wayne
Sanchez	Simmons	Traeger	Williams
Santiesteban	Slider	Truan	Williamson
Schulle	Smith	Tupper	Wolff
Semos	Solomon	Uher	Wyatt
Shannon	Spurlock	Vale	
Sherman	Stewart	Von Dohlen	
Short	Stroud	Ward	

In The Chair

Hale

Absent

Cobb	Orr	Tarbox
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 492 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 722 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 722, Relating to Robertson County Commissioners Courts' approving Parks and Wildlife Commission rules and regulations.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Boyle	Davis, H.	Graves
Agnich	Braecklein	Denton	Hanna, Joe
Allen, Joe	Burgess	Doran	Hannah, John
Allen, John	Bynum	Doyle	Harding
Allred	Calhoun	Dramberger	Harris
Angly	Carrillo	Earthman	Hawkins
Atwell	Cates	Farenthold	Hawn
Atwood	Cavness	Finck	Head
Baker	Christian	Finnell	Heatly
Bass, B.	Clark	Finney	Hilliard
Bass, T.	Clayton	Floyd	Holmes, T.
Beckham	Coats	Foreman	Howard
Bigham	Cole	Gammage	Hubenak
Blanton	Craddick	Garcia	Hull
Blythe	Daniel	Golman	Ingram
Bowers	Davis, D.	Grant	Johnson

Jones, E.	Moore, G.	Reed	Stewart
Jones, G.	Moore, T.	Rodriguez	Stroud
Kaster	Moreno	Rosson	Swanson
Kilpatrick	Nabers	Salem	Traeger
Kost	Nelms	Salter	Truan
Kubiak	Neugent, D.	Sanchez	Tupper
Lee	Newton	Santiesteban	Uher
Lemmon	Nichols	Schulle	Vale
Lewis	Niland	Semos	Von Dohlen
Ligarde	Ogg	Shannon	Ward
Lombardino	Parker, C.	Sherman	Wayne
Longoria	Parker, W.	Short	Williams
Lovell	Patterson	Silber	Williamson
McAlister	Pickens	Simmons	Wolff
McKissack	Poerner	Slider	Wyatt
Mengden	Poff	Smith	
Moncrief	Presnal	Solomon	
Moore, A.	Price	Spurlock	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 722 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 824 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 824, Extending regulatory authority of Parks and Wildlife Commission over wildlife resources in Kendall County through December 31, 1977.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Atwell	Bigham	Burgess
Agnich	Atwood	Blanton	Bynum
Allen, Joe	Baker	Blythe	Calhoun
Allen, John	Bass, B.	Bowers	Carrillo
Allred	Bass, T.	Boyle	Cates
Angly	Beckham	Braecklein	Cavness

Christian	Harris	Moncrief	Semos
Clark	Hawkins	Moore, A.	Shannon
Clayton	Hawn	Moore, G.	Sherman
Coats	Head	Moore, T.	Short
Cole	Heatly	Moreno	Silber
Craddick	Hilliard	Nabers	Simmons
Daniel	Holmes, T.	Nelms	Slider
Davis, D.	Howard	Neugent, D.	Smith
Davis, H.	Hubenak	Newton	Solomon
Denton	Hull	Nichols	Spurlock
Doran	Ingram	Niland	Stewart
Doyle	Johnson	Ogg	Stroud
Dramberger	Jones, E.	Parker, C.	Swanson
Earthman	Jones, G.	Parker, W.	Traeger
Farenthold	Kaster	Patterson	Truan
Finck	Kilpatrick	Pickens	Tupper
Finnell	Kost	Poerner	Uher
Finney	Kubiak	Poff	Vale
Floyd	Lee	Presnal	Von Dohlen
Foreman	Lemmon	Price	Ward
Gammage	Lewis	Reed	Wayne
Garcia	Ligarde	Rodriguez	Williams
Golman	Lombardino	Rosson	Williamson
Grant	Longoria	Salem	Wolff
Graves	Lovell	Salter	Wyatt
Hanna, Joe	McAlister	Sanchez	
Hannah, John	McKissack	Santiesteban	
Harding	Mengden	Schulle	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 824 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 494 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 494, Relating to annexation of territory by the DeWitt County Drainage District No. 1.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB. 494 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 190 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 190, Permitting appointment of juvenile officer for Fannin County.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb

Orr

Tarbox

Absent-Excused

Braun

Haynes

Jones, D.

Nugent, J.

Caldwell

Hendricks

Jungmichel

Slack

Cruz

Holmes, Z.

Murray

Wieting

Mr. Doran moved to reconsider the vote by which HB 190 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 555 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 555, Validating establishment and bonds of Guadalupe County Water Control and Improvement District Number One, changing name to West Guadalupe County Utility District and granting additional powers.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb	Orr	Tarbox
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 555 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 524 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 524, Creating the Deaf Smith County Hospital District.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Daniel	Hubenak	Niland
Agnich	Davis, D.	Hull	Ogg
Allen, Joe	Davis, H.	Ingram	Parker, C.
Allen, John	Denton	Johnson	Parker, W.
Allred	Doran	Jones, E.	Patterson
Angly	Doyle	Jones, G.	Pickens
Atwell	Dramberger	Kaster	Poerner
Atwood	Earthman	Kilpatrick	Poff
Baker	Farenthold	Kost	Presnal
Bass, B.	Finck	Kubiak	Price
Bass, T.	Finnell	Lee	Reed
Beckham	Finney	Lemmon	Rodriguez
Bigham	Floyd	Lewis	Rosson
Blanton	Foreman	Ligarde	Salem
Blythe	Gammage	Lombardino	Salter
Bowers	Garcia	Longoria	Sanchez
Boyle	Golman	Lovell	Santiesteban
Braecklein	Grant	McAlister	Schulle
Burgess	Graves	McKissack	Semos
Bynum	Hanna, Joe	Mengden	Shannon
Calhoun	Hannah, John	Moncrief	Sherman
Carrillo	Harding	Moore, A.	Short
Cates	Harris	Moore, G.	Silber
Cavness	Hawkins	Moore, T.	Simmons
Christian	Hawn	Moreno	Slider
Clark	Head	Nabers	Smith
Clayton	Heatly	Nelms	Solomon
Coats	Hilliard	Neugent, D.	Spurlock
Cole	Holmes, T.	Newton	Stewart
Craddick	Howard	Nichols	Stroud

Swanson	Uher	Wayne	Wyatt
Traeger	Vale	Williams	
Truan	Von Dohlen	Williamson	
Tupper	Ward	Wolff	

In The Chair

Hale

Absent

Cobb	Orr	Tarbox
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 524 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 108 ON THIRD READING
(Mr. Harold Davis—House Sponsor)

The Chair laid before the House on its third reading and final passage,

SB 108, Relating to appropriation to the Commission on Law Enforcement Officer Standards and Education.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Carrillo	Floyd	Johnson
Agnich	Cates	Foreman	Jones, E.
Allen, Joe	Cavness	Gammage	Jones, G.
Allen, John	Christian	Garcia	Kaster
Allred	Clark	Golman	Kilpatrick
Angly	Clayton	Grant	Kost
Atwell	Coats	Graves	Kubiak
Atwood	Cole	Hanna, Joe	Lee
Baker	Craddick	Hannah, John	Lemmon
Bass, B.	Daniel	Harding	Lewis
Bass, T.	Davis, D.	Harris	Ligarde
Beckham	Davis, H.	Hawkins	Lombardino
Bigham	Denton	Hawn	Longoria
Blanton	Doran	Head	Lovell
Blythe	Doyle	Heatly	McAlister
Bowers	Dramberger	Hilliard	McKissack
Boyle	Earthman	Holmes, T.	Mengden
Braecklein	Farenthold	Howard	Moncrief
Burgess	Finck	Hubenak	Moore, A.
Bynum	Finnell	Hull	Moore, G.
Calhoun	Finney	Ingram	Moore, T.

Moreno	Poff	Sherman	Tupper
Nabers	Presnal	Short	Uher
Nelms	Price	Silber	Vale
Neugent, D.	Reed	Simmons	Von Dohlen
Newton	Rodriguez	Slider	Ward
Nichols	Rosson	Smith	Wayne
Niland	Salem	Solomon	Williams
Ogg	Salter	Spurlock	Williamson
Parker, C.	Sanchez	Stewart	Wolff
Parker, W.	Santiesteban	Stroud	Wyatt
Patterson	Schulle	Swanson	
Pickens	Semos	Traeger	
Poerner	Shannon	Truan	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which SB 108 was passed and to table the motion to reconsider.

The motion to table prevailed.

The Chair stated that SB 108 was passed subject to the provisions of Section 49A, Article III of the Constitution.

SB 318 ON THIRD READING
(Mr. Swanson—House Sponsor)

The Chair laid before the House on its third reading and final passage,

SB 318, Permitting the governing body of universities or colleges in counties with more than 1,500,000 population to close campus alleys and streets.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Atwood	Blythe	Carrillo
Agnich	Baker	Bowers	Cates
Allen, Joe	Bass, B.	Boyle	Cavness
Allen, John	Bass, T.	Braecklein	Christian
Allred	Beckham	Burgess	Clark
Angly	Bigham	Bynum	Clayton
Atwell	Blanton	Calhoun	Coats

Cole	Head	Moore, G.	Shannon
Craddick	Heatly	Moore, T.	Sherman
Daniel	Hilliard	Moreno	Short
Davis, D.	Holmes, T.	Nabers	Silber
Davis, H.	Howard	Nelms	Simmons
Denton	Hubenak	Neugent, D.	Slider
Doran	Hull	Newton	Smith
Doyle	Ingram	Nichols	Solomon
Dramberger	Johnson	Niland	Spurlock
Earthman	Jones, E.	Ogg	Stewart
Farenthold	Jones, G.	Parker, C.	Stroud
Finck	Kaster	Parker, W.	Swanson
Finnell	Kilpatrick	Patterson	Traeger
Finney	Kost	Pickens	Truan
Floyd	Kubiak	Poerner	Tupper
Foreman	Lee	Poff	Uher
Gammage	Lemmon	Presnal	Vale
Garcia	Lewis	Price	Von Dohlen
Golman	Ligarde	Reed	Ward
Grant	Lombardino	Rodriguez	Wayne
Graves	Longoria	Rosson	Williams
Hanna, Joe	Lovell	Salem	Williamson
Hannah, John	McAlister	Salter	Wolff
Harding	McKissack	Sanchez	Wyatt
Harris	Mengden	Santiesteban	
Hawkins	Moncrief	Schulle	
Hawn	Moore, A.	Semos	

In The Chair

Hale

Absent

Cobb

Orr

Tarbox

Absent-Excused

Braun

Haynes

Jones, D.

Nugent, J.

Caldwell

Hendricks

Jungmichel

Slack

Cruz

Holmes, Z.

Murray

Wieting

Mr. Doran moved to reconsider the vote by which SB 318 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 235 ON THIRD READING
(Mr. Harris—House Sponsor)

The Chair laid before the House on its third reading and final passage,

SB 235, Allowing all home-rule cities with more than 60,000 population to issue revenue bonds for certain park purposes.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which SB 235 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 420 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 420, Including water area of Lake Ray Hubbard within Rockwall County and Collin County under the provisions of the Uniform Wildlife Regulatory Act.

The bill was read third time and was passed by the following vote:

Yeas—138

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 420 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 955 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 955, Relating to terms and number of members of State Turnpike Authority Board.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb

Orr

Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 955 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 483 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 483, Creating the Texas Council on Marine-Related Affairs to advise the Governor and Legislature.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Doran	Kost	Rosson
Agnich	Doyle	Kubiak	Salem
Allen, Joe	Dramberger	Lee	Salter
Allen, John	Earthman	Lemmon	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finck	Ligarde	Schulle
Atwell	Finnell	Lombardino	Semos
Atwood	Finney	Longoria	Shannon
Baker	Floyd	Lovell	Sherman
Bass, B.	Foreman	McAlister	Short
Bass, T.	Gammage	McKissack	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Monerief	Slider
Blanton	Grant	Moore, A.	Smith
Blythe	Graves	Moore, G.	Solomon
Bowers	Hanna, Joe	Moore, T.	Spurlock
Boyle	Hannah, John	Moreno	Stewart
Braecklein	Harding	Nabers	Stroud
Burgess	Harris	Nelms	Swanson
Bynum	Hawkins	Neugent, D.	Traeger
Calhoun	Hawn	Newton	Truan
Carrillo	Head	Nichols	Tupper
Cates	Heatly	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Pickens	Williams
Cole	Ingram	Poerner	Williamson
Craddick	Johnson	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Kaster	Reed	
Denton	Kilpatrick	Rodriguez	

In The Chair

Hale

Absent

Cobb

Orr

Tarbox

Absent-Excused

Braun

Haynes

Jones, D.

Nugent, J.

Caldwell

Hendricks

Jungmichel

Slack

Cruz

Holmes, Z.

Murray

Wieting

Mr. Doran moved to reconsider the vote by which HB 483 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 373 ON THIRD READING

(Mr. Cavness—House Sponsor)

The Chair laid before the House on its third reading and final passage,

SB 373, Authorizing Community Centers for Mental Health and Mental Retardation Services that are receiving State grants-in-aid to purchase drugs and medicines through Board of Control.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Christian	Graves	Lewis
Agnich	Clark	Hanna, Joe	Ligarde
Allen, Joe	Clayton	Hannah, John	Lombardino
Allen, John	Coats	Harding	Longoria
Allred	Cole	Harris	Lovell
Angly	Craddick	Hawkins	McAlister
Atwell	Daniel	Hawn	McKissack
Atwood	Davis, D.	Head	Mengden
Baker	Davis, H.	Heatly	Moncrief
Bass, B.	Denton	Hilliard	Moore, A.
Bass, T.	Doran	Holmes, T.	Moore, G.
Beckham	Doyle	Howard	Moore, T.
Bigham	Dramberger	Hubenak	Moreno
Blanton	Earthman	Hull	Nabers
Blythe	Farenthold	Ingram	Nelms
Bowers	Finck	Johnson	Neugent, D.
Boyle	Finnell	Jones, E.	Newton
Braecklein	Finney	Jones, G.	Nichols
Burgess	Floyd	Kaster	Niland
Bynum	Foreman	Kilpatrick	Ogg
Calhoun	Gammage	Kost	Parker, C.
Carrillo	Garcia	Kubiak	Parker, W.
Cates	Golman	Lee	Patterson
Cavness	Grant	Lemmon	Pickens

Poerner	Santiesteban	Solomon	Von Dohlen
Poff	Schulle	Spurlock	Ward
Presnal	Semos	Stewart	Wayne
Price	Shannon	Stroud	Williams
Reed	Sherman	Swanson	Williamson
Rodriguez	Short	Traeger	Wolff
Rosson	Silber	Truan	Wyatt
Salem	Simmons	Tupper	
Salter	Slider	Uher	
Sanchez	Smith	Vale	

In The Chair

Hale

Absent

Cobb	Orr	Tarbox
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which SB 373 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 368 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 368, Providing district court appeal from any order of the Board of Trustees of the Firemen's Relief and Retirement Fund in certain cities.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Blanton	Clayton	Finck
Agnich	Blythe	Coats	Finnell
Allen, Joe	Bowers	Cole	Finney
Allen, John	Boyle	Craddick	Floyd
Allred	Braecklein	Daniel	Foreman
Angly	Burgess	Davis, D.	Gammage
Atwell	Bynum	Davis, H.	Garcia
Atwood	Calhoun	Denton	Golman
Baker	Carrillo	Doran	Grant
Bass, B.	Cates	Doyle	Graves
Bass, T.	Cavness	Dramberger	Hanna, Joe
Beckham	Christian	Earthman	Hannah, John
Bigham	Clark	Farenthold	Harding

Harris	Ligarde	Patterson	Smith
Hawkins	Lombardino	Pickens	Solomon
Hawn	Longoria	Poerner	Spurlock
Head	Lovell	Poff	Stewart
Heatly	McAlister	Presnal	Stroud
Hilliard	McKissack	Price	Swanson
Holmes, T.	Mengden	Reed	Traeger
Howard	Moncrief	Rodriguez	Truan
Hubenak	Moore, A.	Rosson	Tupper
Hull	Moore, G.	Salem	Uher
Ingram	Moore, T.	Salter	Vale
Johnson	Moreno	Sanchez	Von Dohlen
Jones, E.	Nabers	Santiesteban	Ward
Jones, G.	Nelms	Schulle	Wayne
Kaster	Neugent, D.	Semos	Williams
Kilpatrick	Newton	Shannon	Williamson
Kost	Nichols	Sherman	Wolff
Kubiak	Niland	Short	Wyatt
Lee	Ogg	Silber	
Lemmon	Parker, C.	Simmons	
Lewis	Parker, W.	Slider	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 368 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 30 ON THIRD READING

The Chair laid before the House on its third reading and final passage,

HB 30, Creating the Texas Outstanding Service Medal for superior service by a member of the military forces of the state.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Allen, John	Atwell	Bass, B.
Agnich	Allred	Atwood	Bass, T.
Allen, Joe	Angly	Baker	Beckham

Bigham	Foreman	Lombardino	Sanchez
Blanton	Gammage	Longoria	Santiesteban
Blythe	Garcia	Lovell	Schulle
Bowers	Golman	McAlister	Semos
Boyle	Grant	McKissack	Shannon
Braecklein	Graves	Mengden	Sherman
Burgess	Hanna, Joe	Moncrief	Short
Bynum	Hannah, John	Moore, A.	Silber
Calhoun	Harding	Moore, G.	Simmons
Carrillo	Harris	Moore, T.	Slider
Cates	Hawkins	Moreno	Smith
Cavness	Hawn	Nabers	Solomon
Christian	Head	Nelms	Spurlock
Clark	Heatly	Neugent, D.	Stewart
Clayton	Hilliard	Newton	Stroud
Coats	Holmes, T.	Nichols	Swanson
Cole	Howard	Niland	Traeger
Craddick	Hubenak	Ogg	Truan
Daniel	Hull	Parker, C.	Tupper
Davis, D.	Ingram	Parker, W.	Uher
Davis, H.	Johnson	Patterson	Vale
Denton	Jones, E.	Pickens	Von Dohlen
Doran	Jones, G.	Poerner	Ward
Doyle	Kaster	Poff	Wayne
Dramberger	Kilpatrick	Presnal	Williams
Earthman	Kost	Price	Williamson
Farenthold	Kubiak	Reed	Wolff
Finck	Lee	Rodriguez	Wyatt
Finnell	Lemmon	Rosson	
Finney	Lewis	Salem	
Floyd	Ligarde	Salter	

In The Chair

Hale

Absent

Cobb Orr Tarbox

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Doran moved to reconsider the vote by which HB 30 was passed and to table the motion to reconsider.

The motion to table prevailed.

CAPTIONS OF SENATE BILLS ORDERED
AMENDED

Mr. Doran asked unanimous consent that the captions of Senate Bills

passed on the Local Bill Calendar on today be amended to conform with the body of the bills, where necessary.

There was no objection offered and it was so ordered.

ADDRESS BY THE HONORABLE CURTIS GRAVES

The Chair recognized the Honorable Curtis Graves who addressed the House, speaking on a matter of personal privilege.

Mr. Denton moved that the remarks by Mr. Graves be reduced to writing and printed in the Journal.

Mr. Uher raised a point of order against the motion to print on the grounds that it is in violation of Rule 10, Section 2 of the Rules of the House.

The Chair sustained the point of order.

ADDRESS BY THE HONORABLE JOHN TRAEGER

The Chair recognized the Honorable John Traeger who addressed the House, speaking on a matter of personal privilege.

SENATE BILLS ON FIRST READING

The following Senate Bills were today laid before the House, read first time and referred to Committees, as follows:

SB 60 to the Committee on Counties.

SB 269 to the Committee on Conservation and Reclamation.

SB 368 to the Committee on State Affairs.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Grant:

HB 1643, A bill to be entitled An Act relating to the compensation of the criminal district attorney of Harrison County and his assistants, prohibiting the criminal district attorney and his assistants from the private practice of civil law and the referral of legal business; amending Sections 4 and 5, Chapter 375, Acts of the 54th Legislature, 1955 (Article 326k-33, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Salter, T. Moore, and Denton:

HB 1644, A bill to be entitled An Act relating to the salaries of justices of the peace in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Heatly:

HB 1645, A bill to be entitled An Act relating to the practice of law by certain retired judges; amending Section 7, Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

By Smith:

HB 1646, A bill to be entitled An Act relating to a program for the education of deaf adults; amending Subchapter A, Chapter 11, Texas Education Code by adding a Section 11.16; and declaring an emergency.

Referred to Committee on Public Education.

By Smith:

HB 1647, A bill to be entitled An Act requiring a physician to test a newborn baby for hearing defects and to make a full report to the State Department of Health; exempting a physician from civil and criminal liability for reporting a hearing defect when none existed; and declaring an emergency.

Referred to Committee on Public Health.

By Smith:

HB 1648, A bill to be entitled An Act relating to the travel and clothing expenses of economically deprived children attending the Texas School for the Deaf; and declaring an emergency.

Referred to Committee on Appropriations.

By Von Dohlen, Cavness, Bowers, and Wayne:

HB 1649, A bill to be entitled An Act to reenact and amend Chap. 425, Acts of the 56th Leg., Reg. Sess., 1959, as amended (Art. 726d, Vernon's Texas Penal Code), by better defining barbiturates, amphetamines, hallucinogens and hypnotic drugs, and adding definitions for tranquilizers, phenmetrazine, methyphenidate, glutethimide, and procaine; redefining manufacturers and wholesalers; making it illegal to possess a hypodermic syringe for use of dangerous drugs; increasing the penalty for first offense possession of barbiturates, amphetamines and hallucinogens to a felony; adding a penalty for the manufacture of dangerous drugs; adding a penalty for possessing certain precursors for the manufacture of speed; providing for severability; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Von Dohlen and Cavness:

HB 1650, A bill to be entitled An Act relating to the definition of narcotic drugs, making the sale and use of heroin and cannabis illegal, and prohibiting the sale of certain products to persons under 18 years of age

without proof of identification; amending Subsections (14), (15), and (16) of Section 1 and Sections 5 and 7 of, and adding a Section 8A to, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 725b, Vernon's Texas Penal Code); providing for severability; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Von Dohlen and Cavness:

HB 1651, A bill to be entitled An Act reenacting and amending Sections 1 and 2, Acts 1955, 54th Leg., Chap. 300, p. 810 (codified as Art. 725d, Vernon's Penal Code); adding the seizure of vessels, vehicles or aircraft transporting dangerous drugs; authorizing the Texas Department of Public Safety to use forfeited vehicles, vessels or aircraft and expend state money for such use; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Williams:

HB 1652, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Pine Village Public Utility District; declaring district a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; finding district is created for public use and benefit; conferring on district the rights, powers, privileges, authority and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the state with regard to waste control; prescribing the district's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for no hearings on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to district and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of district; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections; and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the District, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which district is situated and to situations where necessary to carry out the purposes for which District was created; providing district shall bear expenses of relocating, raising, or rerouting any highway, railroad or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment

of district offices, and related matters; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this district; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this district shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this District; providing that district is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the district shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Williams:

HB 1653, A bill to be entitled An Act dissolving Harris County Water Control and Improvement District No. 97, and declaring same to be null and void; determining and finding the requirements of Article 16, Section 59(d), Constitution of Texas, have been fulfilled and accomplished; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

HCR 103—REFERRED TO COMMITTEE

(Condemning the conviction of Lieutenant William L. Calley, Jr.)

Mr. Hubenak offered the following resolution:

HCR 103

Whereas, Americans throughout this great land and those stationed with our armed forces in the defense of liberty across the seas were appalled at the conviction by a court-martial jury of Lieutenant William L. Calley, Jr., who had been charged with mass murder at My Lai on March 16, 1968; and

Whereas, To those patriots who have served this nation in war and in peace, it was a great shock that this man, this dedicated military leader, should have been deprived of his honor and his career when his only crime was that of putting the lives of the men in his troops ahead of those of the enemy; and

Whereas, Many times in the glorious history of this country—in all our wars—the identity of the enemy has been difficult to establish; this was true in our own Civil War, in the Spanish-American War, and, more recently, in the Korean conflict; even more is it true in the jungles of Vietnam, where the Viet Cong, blood brothers of our fighting comrades the South Vietnamese, penetrate the ranks and villages of those we call friends, only to kill at the first opportunity; in South Vietnam the perimeter of defense cannot be established; and

Whereas, As Americans, we need to reevaluate our system and our way

of thinking; of course the killing of men, women, and children is repugnant to the American who always values the life of a fellowman, be he friend or enemy, but the war in Vietnam is a reality, and many, many of our own American young men have lost their lives when these same men, women, and children threw a grenade, planted a bomb, fired a blast with an automatic rifle, or pulled a knife on their unsuspecting defenders; and

Whereas, Lieutenant Calley served our country with dignity while men who have refused to be inducted into the service have not been convicted and are allowed to stay in this country, stirring up trouble, defaming the flag; and

Whereas, Many Members of the Texas Legislature have served in our country's wars and we know that innocent people have died in the past. Look at Hiroshima! But war is never pretty, and those who force it on us cannot expect it to be; and

Whereas, If Lieutenant Calley is guilty, then many thousands of men who have served before him, and who will serve in the future, must share in his guilt; and

Whereas, It is the firm belief of the 62nd Legislature of the State of Texas that the conviction of Lieutenant Calley is one of the gravest injustices ever to be perpetrated; his conviction, if allowed to stand, will be a detriment to our country and the armed forces who defend it that cannot be overcome; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Legislature of the State of Texas hereby go on record in condemnation of the conviction of Lieutenant William L. Calley, Jr., believing it to be a true disgrace to the United States of America as a whole and to the United States Army in particular; and, be it further

Resolved, That the Texas Legislature deem it unconscionable to ask men to defend our country and then to reward them with court-martial when they have done their duty; Lieutenant Calley felt that his only concern in My Lai was for the safety of his troops against what he considered the menace of a Communist enemy. His words ring true: "If I have committed a crime, the crime I have committed is in judgment of my values. Apparently I valued my troops' lives more than I did those of the enemy"; and, be it further

Resolved, That this Resolution stand as the official condemnation by the 62nd Legislature of the State of Texas of the conviction of Lieutenant William L. Calley, Jr., and that copies of this Resolution be prepared and forwarded to the President of the United States, to the Secretary of the Army, to the Secretary of Defense, to the United States Senators from Texas, and to the Members of the House of Representatives in the Congress of the United States from Texas; and, be it further

Resolved, That the Texas Legislature join the many thousands of Americans who firmly believe that Lieutenant William L. Calley, Jr., should be granted a full pardon immediately, so that he can live with dignity and honor in the land of the free and the home of the brave.

Signed: Hubenak, Uher, Clark, Williams, Kilpatrick, Poerner, Longoria, Salem, Moncrief, Nelms, Edmund Jones, Floyd, Blythe, Burgess, Golman, and Christian.

The resolution was referred to the Committee on Rules.

HSR 301—REFERRED TO COMMITTEE

(Creating a special interim committee on juvenile delinquency)

Mr. Foreman offered the following resolution:

HSR 301

Whereas, Between 1960 and 1970 the number of our young people increased about 25 percent, but the number of arrests among juveniles increased over 75 percent; and

Whereas, Much of the recent increase in juvenile arrests and convictions is attributable to the increased number of drug arrests and arrests resulting from student protests; and

Whereas, The young citizens of our state deserve the full attention of the State Legislature upon the problem of juvenile delinquency and juvenile crime; the State of Texas should explore all possible means of reducing the alarming increase in juvenile crime and delinquency; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim committee on juvenile delinquency; the committee shall study all aspects of juvenile crime and delinquency in Texas to determine the need and desirability of enacting new legislation or rules which could prevent acts of delinquency or which could help in the rehabilitation of delinquents; and, be it further

Resolved, That the Speaker of the House shall appoint five Members of the House of Representatives, including one designated as chairman, to serve on the interim study committee; and, be it further

Resolved, That the operating expenses of the committee shall be paid from the Expense Fund of the House of Representatives, and that committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this Resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

HSR 306—REFERRED TO COMMITTEE

(Expressing abhorrence at conviction of Lieutenant William L. Calley, Jr.)

Mr. Williams offered the following resolution:

HSR 306

Whereas, The court-martial conviction of Lieutenant William Calley on Monday, March 29, 1971, has brought great shock and bewilderment to the citizens of Texas and the entire nation; and

Whereas, The Calley conviction is evidence of the changing standards of military jurisprudence which seem willing to go to any extreme to convict a random victim who has been ordered into an unfortunate set of circumstances, while the overriding problems of military involvement and military duty are cast into the background; this disturbing new military jurisprudence is a classic example of the enigma noted by Cicero, the greatest orator and statesman of ancient Rome, when he declared "Extreme law is often extreme injustice;" and

Whereas, The Texas and American public resents the conviction of Lieutenant Calley and fears that this travesty of justice will have a radical impact upon the effectiveness and morale of the armed forces of the United States; and

Whereas, The facts and testimony in the case against Lieutenant Calley indicate that he was merely following orders which had been issued by a long chain of American commanding officers in Southeast Asia and the Pentagon; Lieutenant Calley attempted to carry out those orders with the precision, devotion, and responsibility which are required of all American military personnel, but for this normally commendable fulfillment of duty Lieutenant Calley was found guilty of murder; and

Whereas, In 1949 General Omar Bradley explained the nature of military service when he testified before the Committee on Armed Services of the United States House of Representatives that the lessons of war should have taught all military men that:

our military forces are one team—in the game to win regardless of who carries the ball. This is no time for "fancy dans" who won't hit the line with all they have on every play, unless they call the signals. Each player on this team—whether he shines in the spotlight of the backfield or eats dirt in the line—must be an All-American, but while Lieutenant Calley has been convicted of murder, the superior officers who issued the order to kill have apparently been excused from all prosecution; and

Whereas, The American public is justifiably outraged and dismayed at the conviction and sentencing of Lieutenant William Calley and is staggered by the vast implications of such a conviction upon the morale of the military and the security of the nation; now, therefore, be it

Resolved, That by this Resolution, the House of Representatives of the 62nd Legislature hereby express its abhorrence and trepidation of the murder conviction of Lieutenant William Calley and his sentencing to a life at hard labor; and, be it further

Resolved, That a copy of this Resolution be prepared for the President of the United States urging him to grant executive clemency to Lieutenant Calley.

Signed: Williams, Aubry Moore, Nelms, Clark, H. Davis, John Allen, Hawkins, Atwood, Longoria, McKissack, Kilpatrick, Niland, Blythe, Traeger, Hubenak, Golman, and Swanson.

The resolution was referred to the Committee on Rules.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 308, by Semos: Congratulating Six Flags Over Texas.

SCR 59—ADOPTED (Mr. Wayne—House Sponsor)

The Chair laid before the House the following resolution on committee report:

SCR 59, Reaffirming M. D. Anderson Hospital of UT as official state resource for education, research, and treatment of cancer and all related diseases—making it available nationwide, etc.

The resolution was adopted without objection.

HCR 58—ADOPTED

The Chair laid before the House the following resolution on committee report:

HCR 58, Concerning intrastate reciprocal retirement plan.

Mr. Sherman offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend HCR 58 by striking the Resolving Clauses and substituting in lieu thereof the following:

Resolved by the House of Representatives, the Senate concurring, That the Directors of the State Employees Retirement System, Texas Municipal Retirement System, Teachers Retirement System, and County and District Retirement System, in cooperation with the Governor or his designated representative, be requested to prepare an intrastate reciprocal retirement plan to provide for the preservation and continuity of earned retirement benefits and credits of public service employees who transfer between covered political subdivisions or agencies of government within the state and to include a thorough examination of vesting with a discussion of the possibility of mutual lowering of the service period to not over five years with common pension provisions for employees who leave their contributions in the retirement fund; and, be it further

Resolved, That this plan be prepared as a special report to the Governor and the 63rd Texas Legislature.

The committee amendment was adopted without objection.

HCR 58, as amended, was adopted.

HCR 96—ADOPTED

The Chair laid before the House the following resolution on committee report:

HCR 96, To modify state buildings, etc., in the Capitol Complex to permit use by physically handicapped.

The resolution was adopted.

SCR 31—ADOPTED (Mr. Grant Jones—House Sponsor)

The Chair laid before the House the following resolution on committee report:

SCR 31, Recognizing side oats grama as state grass.

The resolution was adopted.

SB 319 ON THIRD READING (Mr. Swanson—House Sponsor)

The Chair laid before the House on its third reading and final passage,

SB 319, Authorizing Board of Regents of The University of Texas System and other health-related institutions to form an association to operate a laundry system.

The bill was read third time and was passed by the following vote:

Yeas—129

Adams	Carrillo	Gammage	Jones, G.
Agnich	Cates	Garcia	Kaster
Allen, Joe	Cavness	Golman	Kilpatrick
Allen, John	Christian	Grant	Kost
Allred	Clark	Graves	Kubiak
Angly	Clayton	Hanna, Joe	Lee
Atwell	Coats	Hannah, John	Lemmon
Atwood	Cole	Harding	Lewis
Baker	Craddick	Harris	Lombardino
Bass, B.	Daniel	Hawkins	Longoria
Bass, T.	Davis, D.	Hawn	McAlister
Beckham	Davis, H.	Head	McKissack
Bigham	Denton	Heatly	Mengden
Blanton	Doyle	Hilliard	Moncrief
Blythe	Dramberger	Holmes, T.	Moore, A.
Bowers	Earthman	Howard	Moore, G.
Boyle	Finck	Hubenak	Moore, T.
Braecklein	Finnell	Hull	Moreno
Burgess	Finney	Ingram	Nabers
Bynum	Floyd	Johnson	Nelms
Calhoun	Foreman	Jones, E.	Neugent, D.

Newton	Rodriguez	Simmons	Uher
Nichols	Rosson	Slider	Vale
Niland	Salem	Smith	Von Dohlen
Ogg	Salter	Solomon	Ward
Parker, C.	Sanchez	Spurlock	Wayne
Parker, W.	Santiesteban	Stewart	Williams
Pickens	Schulle	Stroud	Williamson
Poerner	Semos	Swanson	Wolff
Poff	Shannon	Tarbox	Wyatt
Presnal	Sherman	Traeger	
Price	Short	Truan	
Reed	Silber	Tupper	

In The Chair**Hale****Absent**

Cobb	Farenthold	Lovell	Patterson
Doran	Ligarde	Orr	

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Swanson moved to reconsider the vote by which SB 319 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 278 ON THIRD READING
(Mr. Jungmichel—House Sponsor)

The Chair laid before the House on its third reading and final passage,

SB 278, Relating to The University of Texas System Environmental Science Park.

The bill was read third time and was passed by the following vote:

Yeas—130

Adams	Bigham	Cavness	Doran
Agnich	Blanton	Christian	Doyle
Allen, Joe	Blythe	Clark	Dramberger
Allen, John	Bowers	Clayton	Earthman
Allred	Boyle	Coats	Finck
Angly	Braecklein	Cole	Finnell
Atwell	Burgess	Craddick	Finney
Baker	Bynum	Daniel	Floyd
Bass, B.	Calhoun	Davis, D.	Foreman
Bass, T.	Carrillo	Davis, H.	Gammage
Beckham	Cates	Denton	Garcia

Golman	Kost	Parker, C.	Slider
Grant	Kubiak	Parker, W.	Smith
Graves	Lee	Patterson	Solomon
Hale	Lemmon	Pickens	Spurlock
Hanna, Joe	Lewis	Poerner	Stewart
Hannah, John	Lombardino	Poff	Stroud
Harding	Longoria	Presnal	Swanson
Harris	McAlister	Price	Tarbox
Hawkins	McKissack	Reed	Traeger
Hawn	Mengden	Rodriguez	Truan
Head	Moncrief	Rosson	Tupper
Heatly	Moore, A.	Salem	Uher
Hilliard	Moore, G.	Salter	Vale
Holmes, T.	Moore, T.	Sanchez	Von Dohlen
Howard	Moreno	Santiesteban	Ward
Hubenak	Nabers	Schulle	Wayne
Hull	Nelms	Semos	Williams
Ingram	Neugent, D.	Shannon	Williamson
Johnson	Newton	Sherman	Wolff
Jones, E.	Nichols	Short	Wyatt
Kaster	Niland	Silber	
Kilpatrick	Ogg	Simmons	

Present—Not Voting**Atwood****Absent**

Cobb	Jones, G.	Lovell	Orr
Farenthold	Ligarde		

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Foreman moved to reconsider the vote by which SB 278 was passed and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair)

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills and a resolution:

HB 106, Requiring inoculation or vaccination for admission of children to child caring institutions.

HB 182, Providing for regulation of oversize, overweight, and over-length vehicles in an incorporated municipality.

HB 1625, Relating to validating certain ordinances passed and bonds issued by home-rule cities.

HCR 100, In memory of Raymond E. Buck.

SB 140, Creating the Texas Motor Vehicle Commission.

HB 1041 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1041, A bill to be entitled An Act relating to mental health services; amending Section 2.08; Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

Mr. Heatly moved to reconsider the vote by which HB 1041 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1041.

MOTION TO PLACE HB 1041 ON THIRD READING

Mr. Heatly moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1041 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—97

Agnich	Clayton	Hawkins	McKissack
Allen, John	Cole	Hawn	Moncrief
Atwell	Daniel	Head	Moore, A.
Baker	Davis, D.	Heatly	Moore, G.
Bass, B.	Davis, H.	Hilliard	Moore, T.
Beckham	Doyle	Holmes, T.	Nabers
Bigham	Farenthold	Hubenak	Nelms
Blanton	Finnell	Hull	Neugent, D.
Boyle	Finney	Ingram	Niland
Braecklein	Foreman	Johnson	Ogg
Burgess	Garcia	Kilpatrick	Parker, C.
Bynum	Golman	Kost	Parker, W.
Calhoun	Grant	Lemmon	Poerner
Carrillo	Hale	Lewis	Poff
Cates	Hanna, Joe	Lombardino	Presnal
Cavness	Harding	Lovell	Price
Christian	Harris	McAlister	Rodriguez

Rosson	Sherman	Swanson	Ward
Salem	Short	Tarbox	Wayne
Salter	Slider	Traeger	Williams
Sanchez	Smith	Truan	Williamson
Santiesteban	Solomon	Tupper	Wyatt
Schulle	Spurlock	Uher	
Semos	Stewart	Vale	
Shannon	Stroud	Von Dohlen	

Nays—30

Adams	Craddick	Jones, E.	Patterson
Allred	Denton	Jones, G.	Pickens
Angly	Dramberger	Kaster	Reed
Atwood	Earthman	Kubiak	Silber
Bass, T.	Finck	Lee	Simmons
Blythe	Floyd	Mengden	Wolff
Bowers	Graves	Moreno	
Coats	Howard	Nichols	

Absent

Allen, Joe	Doran	Ligarde	Orr
Clark	Gammage	Longoria	
Cobb	Hannah, John	Newton	

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

HB 423 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 423, A bill to be entitled An Act relating to the registration of promoters of certain outdoor music festivals and the issuance of permits for and the regulation of certain outdoor music festivals; providing penalties; and declaring an emergency.

The bill was read second time and was passed to engrossment.

Mr. Tarbox moved to reconsider the vote by which HB 423 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HB 423 ON THIRD READING

Mr. Tarbox moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 423 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—90

Allen, John	Finnell	Lombardino	Semos
Allred	Finney	Longoria	Shannon
Angly	Foreman	Lovell	Sherman
Atwell	Garcia	McAlister	Short
Baker	Golman	McKissack	Slider
Beckham	Hale	Moncrief	Smith
Bigham	Hanna, Joe	Moore, A.	Solomon
Blanton	Harding	Moore, G.	Spurlock
Boyle	Harris	Nelms	Stewart
Braecklein	Hawkins	Neugent, D.	Stroud
Burgess	Hawn	Ogg	Swanson
Calhoun	Head	Parker, C.	Tarbox
Carrillo	Heatly	Parker, W.	Traeger
Cavness	Hilliard	Patterson	Uher
Christian	Holmes, T.	Poerner	Vale
Clayton	Hubenak	Poff	Von Dohlen
Cole	Hull	Presnal	Ward
Craddick	Ingram	Price	Wayne
Daniel	Johnson	Rosson	Williams
Davis, D.	Kilpatrick	Salem	Williamson
Davis, H.	Kubiak	Salter	Wyatt
Doyle	Lemmon	Sanchez	
Farenthold	Lewis	Schulle	

Nays—37

Adams	Denton	Kaster	Reed
Agnich	Dramberger	Kost	Rodriguez
Atwood	Earthman	Lee	Silber
Bass, T.	Finck	Mengden	Simmons
Blythe	Floyd	Moore, T.	Truan
Bowers	Grant	Moreno	Tupper
Bynum	Graves	Nabers	Wolff
Cates	Howard	Nichols	
Clark	Jones, E.	Niland	
Coats	Jones, G.	Pickens	

Absent

Allen, Joe	Doran	Ligarde	Santiesteban
Bass, B.	Gammage	Newton	
Cobb	Hannah, John	Orr	

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

HB 188 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 188, A bill to be entitled An Act relating to the sale of goods on both

the two consecutive days of Saturday and Sunday on the same premises; amending Section 1, Chapter 15, Acts of the 57th Legislature, 1st Called Session, 1961 (Article 286a, Vernon's Texas Penal Code); providing a severability clause; and declaring an emergency.

The bill was read second time.

Mr. Pickens offered the following amendment to the bill:

Amend HB 188 2nd Printing by adding a new sentence to read as follows:

"When a purchaser will certify in writing that a purchase of an item of personal property is needed as an emergency for the welfare, health or safety of human or animal life and such purchase is an emergency purchase to protect the health, welfare or safety of human or animal life, then this Act shall not apply; provided such certification signed by the purchaser is retained by the merchant for proper inspection for a period of one (1) year."

Mr. Sherman moved to table the amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—75

Adams	Davis, H.	Kilpatrick	Salem
Allen, John	Doyle	Kost	Santiesteban
Angly	Dramberger	Lee	Schulle
Atwell	Earthman	Lemmon	Shannon
Atwood	Finnell	Lewis	Sherman
Bass, B.	Finney	Lombardino	Simmons
Beckham	Floyd	Longoria	Slider
Blanton	Foreman	Lovell	Smith
Bowers	Golman	McKissack	Solomon
Boyle	Hale	Mengden	Spurlock
Braecklein	Hannah, John	Moore, A.	Stewart
Burgess	Hawkins	Nabers	Swanson
Bynum	Hawn	Newton	Tarbox
Calhoun	Heatly	Niland	Traeger
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Parker, W.	Von Dohlen
Clayton	Hull	Poerner	Williamson
Daniel	Ingram	Poff	Wyatt
Davis, D.	Jones, G.	Price	

Nays—53

Agnich	Clark	Garcia	Hubenak
Allred	Coats	Grant	Johnson
Baker	Craddick	Graves	Jones, E.
Bass, T.	Denton	Hanna, Joe	Kaster
Bigham	Farenthold	Harding	Kubiak
Blythe	Finck	Harris	McAlister
Cates	Gammage	Head	Moncrief

Moore, G.	Pickens	Semos	Ward
Moore, T.	Presnal	Short	Wayne
Moreno	Reed	Silber	Williams
Nelms	Rodriguez	Stroud	Wolff
Nichols	Rosson	Truan	
Parker, C.	Salter	Tupper	
Patterson	Sanchez	Uher	

Present--Not Voting

Howard

Absent

Allen, Joe	Cobb	Doran	Neugent, D.
Carrillo	Cole	Ligarde	Orr

Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

HB 188 was passed to engrossment.

Mr. Sherman moved to reconsider the vote by which HB 188 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Pickens requested to be recorded as voting Nay on the passage to engrossment of HB 188.

HB 156 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 156, A bill to be entitled An Act relating to the regulation of cosmetologists and hairdressers; creating the Texas Cosmetology Commission; providing definitions, license qualifications, license fees, rules and regulations, procedures for licensing and renewal, and penalties; repealing Chapter 116, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 734b, Vernon's Texas Penal Code); and declaring an emergency.

The bill was read second time.

Mr. Clayton offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 156, First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Definitions. As used in this Act:

(1) "Person" means any individual, association, firm, corporation, partnership, or organization.

(2) "Commission" means the Texas Cosmetology Commission.

(3) "Cosmetology" means the beautifying treatment of a female's hair or skin, or nails of a male or female and includes the following practices:

(A) arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring, cutting, trimming, shaping, or straightening the hair by any method or means;

(B) massaging, cleansing, beautifying, or stimulating the scalp, face, neck, arms, bust, or upper portion of the body by the use of a cosmetic preparation, antiseptic, tonic, lotion, or cream;

(C) removing superfluous hair from the body by use of depilatories or tweezers;

(D) manicuring; and

(E) servicing a wig or artificial hairpiece either on a human head or on a block subsequent to the initial retail sale and servicing by any of the practices enumerated in Paragraph (A) of this subsection.

(4) "Public school" includes public high school, public junior college, and any other state-supported institution conducting a cosmetology program.

Sec. 2. Texas Cosmetology Commission. (a) The Texas Cosmetology Commission is created. The commission shall be composed of three members of the general public who are not licensees under this Act and who have no direct or indirect affiliation with or interest, financial or otherwise, in any facet of the beauty industry; one member holding a valid beauty shop license who has no direct or indirect affiliation with or interest, financial or otherwise, in a private beauty culture school; one member holding a valid private beauty culture school license who has no direct or indirect affiliation with or interest, financial or otherwise, in a beauty shop; and one member holding a valid wig specialist, wig instructor, wig salon, or wig school license who has no direct or indirect affiliation with or interest, financial or otherwise, in a private beauty culture school or beauty shop. The Executive Director of the Texas Education Agency or his authorized representative shall be an ex officio member of the commission. Members shall be appointed without consideration of race, color, religion, sex, or national origin.

(b) To qualify as a member, a person must be a citizen of the United States and a resident of Texas, at least 25 years of age, and actively engaged in the area which he represents for a period of five years immediately preceding appointment.

(c) The members of the commission shall be appointed by the Governor, with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on December 31 of odd-numbered years. In making the initial appointments, the Governor

shall designate two members for terms expiring in 1973, two members for terms expiring in 1975, and two members for terms expiring in 1977. No person may serve more than two consecutive terms.

(d) Each appointee to the commission shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the Secretary of State shall issue commissions to appointees as evidence of their authority to act as members of the commission.

(e) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the Governor in the same manner as other appointments.

Sec. 3. Commission Organization and Meetings. (a) The commission shall elect from its members for a term of two years a chairman, vice-chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

(b) The commission shall meet at least four times a year. Additional meetings may be held on the call of the chairman or at the written request of the majority of the commission.

(c) The quorum for any meeting of the commission is four members. No action by the commission or its members has any effect unless a quorum is present.

Sec. 4. Powers and Duties of the Commission. (a) The commission may issue rules and regulations consistent with this Act after a public hearing. Notice of the public hearing shall be issued at least 20 days prior to the date set for the hearing. The rules and regulations shall be published and furnished to licensees under this Act.

(b) The commission shall prescribe application forms for the issuance of original and renewal licenses and the design of the license.

(c) The commission shall prescribe the minimum curricula of the subjects and hours of each to be taught by beauty culture schools.

(d) The commission shall prescribe the method and content of the examinations administered under this Act. The examination shall include practical demonstrations as well as written and oral tests relating to the subject matter established as curricula by the commission.

(e) The commission shall establish sanitation rules and regulations designed to prevent the spread of infectious and contagious diseases.

(f) The commission shall keep a record of its proceedings in a book kept for that purpose.

(g) The commission shall adopt an official seal. The commission shall have suitable office space to administer the provisions of this Act.

(h) The commission may authorize all necessary disbursements to carry out the provisions of this Act, including the premium for the bond of the executive director, office expenses, and costs of equipment and other necessary facilities.

Sec. 5. Compensation. (a) Members of the commission are entitled to receive \$25 a day and reimbursement for actual travel expenses incurred in performing the duties of their office. Per diem compensation may not exceed 30 days in any calendar year for each member.

(b) The compensation of other employees of the commission shall be set by the general appropriations act.

Sec. 6. Executive Director. (a) The commission shall employ an executive director who is at least 25 years of age, has knowledge of the beauty industry, and has at least five years of business experience immediately prior to employment. The executive director shall administer and enforce the provisions of this Act and shall have such duties and responsibilities as the commission may determine.

(b) The executive director, before entering upon the duties of the office, shall give a good and sufficient bond executed by a surety company authorized to do business in the State of Texas, in the sum of \$10,000 payable to the State of Texas, conditioned for the faithful performance of his duties. The bond premium shall be paid by the commission.

Sec. 7. Licensing Division. (a) The executive director shall employ a director of licensing who must be at least 25 years of age and who has been a licensee under this Act for at least 5 years.

(b) The director of licensing shall collect all license fees, issue all licenses, and maintain a record of all licensees under this Act. A copy of the list of licensees shall be made available to any person requesting it on payment of a fee established by the commission as sufficient to cover the costs of the copy.

Sec. 8. Examination Division. (a) The executive director shall employ a director of examinations who must be at least 25 years of age and who has been a licensee under this Act for at least 5 years.

(b) The director of examinations shall be responsible for the administration and grading of all examinations and keep a record of all examinees and the grade scored by each.

Sec. 9. Inspection Division. (a) The executive director shall employ a director of inspections who shall be at least 25 years of age and who has been a licensee under this Act for at least 5 years.

(b) The director of inspection shall supervise the inspection of establishments and the performance of all licensees under this Act and report any violations of this Act to the executive director.

(c) No person may be employed as an inspector unless he is at least 25 years of age and has been a licensee under this Act for five years immediately preceding employment.

Sec. 10. Affiliation with Beauty Industry. No employee of the commission may be a member of, affiliated with, or have any financial interest in the beauty industry during the period of his employment.

Sec. 11. Disposition of Funds. (a) The executive director shall remit, on or before the 10th day of each month, to the state treasurer all the fees

collected under this Act during the preceding month for deposit in the general revenue fund.

(b) On August 31 of each year, the commission shall file with the state comptroller its annual report in such form as may be required by the comptroller.

(c) Funds for the administration of this Act shall be provided by the General Appropriations Act.

(d) The balance of all money remaining in the "State Board of Cosmetology Fund" and the "Examination Facilities" account on August 31, 1971, is transferred to the general revenue fund.

Sec. 12. Prohibited Acts. (a) No person for compensation may perform or attempt to perform any practice of cosmetology, as defined in Section 1, without first obtaining a license to perform that practice.

(b) No person for compensation may conduct or operate a beauty shop, beauty culture school, wig salon, wig school, or any other place of business in which a practice of cosmetology, as defined in Section 1, is taught or practiced without first obtaining a license.

Sec. 13. Manicurist License. (a) A person holding a manicurist license may perform for compensation only the practice of cosmetology defined in Subdivision (3)(D) of Section 1 of this Act.

(b) An applicant for a manicurist license must be at least 17 years of age have completed the ninth grade or its equivalent, and have completed 150 hours' instruction in manicuring.

(c) The application shall be made on a form prescribed by the commission and a \$5 manicurist examination fee must accompany the application. The application and fee shall be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a manicurist license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a \$5 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Sec. 14. Wig Specialist License. (a) A person holding a wig specialist license may perform for compensation only the practice of cosmetology defined in Subdivision (3)(E) of Section 1 of this Act.

(b) An applicant for a wig specialist license must be at least 17 years of age, have completed the ninth grade or its equivalent, and have completed 300 hours of instruction in the care and treatment of wigs.

(c) The application shall be made on a form prescribed by the commission and \$5 examination fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a wig specialist license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfac-

torily completes the examination, pays a \$15 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Sec. 15. Operator License. (a) A person holding an operator license may perform for compensation any practice of cosmetology defined in Subdivision (3) of Section 1 of this Act except those practices defined in Subdivision (3)(E) of Section 1 of this Act unless proof of at least 150 hours' instruction in the care and treatment of wigs and artificial hair pieces is submitted upon application for an operator license. Each operator license shall contain indication of the practices of cosmetology which may be performed by the licensee.

(b) An applicant for an operator license must be at least 17 years of age, have completed the ninth grade or its equivalent, and have completed 1,500 hours of instruction in a licensed beauty culture school or 1,000 hours of instruction in beauty culture courses and 500 hours of related high school courses prescribed by the commission in a public vocational school.

(c) The application shall be made on a form prescribed by the commission and a \$5 examination fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to an operator license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a \$15 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Sec. 16. Instructor License. (a) A person holding an instructor license may perform for compensation any practice of cosmetology defined in Subdivision (3) of Section 1 of this Act and may instruct a person in any practice of cosmetology as defined by this Act.

(b) An applicant for an instructor license must be at least 18 years of age, have completed the 12th grade or its equivalent, have a valid operator license, have completed 1,000 hours of instruction in cosmetology courses and methods of teaching in a licensed private beauty culture school.

(c) The application shall be made on a form prescribed by the commission and a \$5 examination fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to an instructor license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a \$20 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Sec. 17. Wig Instructor License. (a) A person holding a wig instructor license may perform for compensation the practice of cosmetology as defined in Subdivision (3)(E) of Section 1 of this Act and may instruct a person in that practice of cosmetology as defined by Subdivision (3)(E) of Section 1.

(b) An applicant for a wig instructor license must have a valid wig specialist license and have completed 200 hours of instruction in advanced wig courses and methods of teaching.

(c) The application shall be made on a form prescribed by the commission and a \$5 examination fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a wig instructor license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a \$20 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Sec. 18. Temporary License. (a) A person holding a temporary license may perform for compensation any practice of cosmetology defined by this Act.

(b) An applicant for a temporary license must possess a valid operator license from another state or nation.

(c) A temporary license shall be issued on submission of an application form prescribed by the commission and payment of a \$25 temporary license fee if the applicant meets the requirements of Subsection (b) of this section.

(d) A temporary license expires on the 60th day after the date of issue and no person may be issued more than two temporary licenses in any one calendar year.

Sec. 19. Duplicate License. A duplicate license shall be issued upon application on a form prescribed by the commission and payment of a \$5 duplicate license fee.

Sec. 20. Reciprocal Licenses. (a) Any person who holds a valid license issued by a state or nation whose requirements for the license are equivalent to or exceed the requirements of this state and which state or nation has similar reciprocal provisions for holders of licenses issued by this state may apply for a license to perform the same practice or practices of cosmetology in this state.

(b) The applicant shall submit an application on a form prescribed by the commission.

(c) A current Texas license shall be issued on compliance with the provisions of Subsections (a) and (b) of this section and the payment of a \$25 license fee.

(d) A license granted under this section allows the holder to engage in the practice of cosmetology stated on the front of the license. The holder of this license is subject to the renewal procedures and fees provided in this Act for the practice of cosmetology for which he is licensed.

Sec. 21. Refund of Examination Fee. An applicant who has paid an examination fee and fails to take the examination is entitled to a refund in the amount of the examination fee paid.

Sec. 22. Private Beauty Culture School License. (a) A person holding a private beauty culture school license may maintain an establishment in which any practice of cosmetology as defined by this Act is taught for compensation.

(b) An applicant for a private beauty culture school license shall submit an application on a form prescribed by the commission. Each application shall be verified by the applicant and shall contain:

(1) a detailed floor plan of the school building divided into three separate areas: one for instruction in theory, one for practice work of seniors, and one for practice work of juniors; and

(2) a statement that the building is fireproof and of permanent-type construction, contains a minimum of 3,500 square feet of floor space, with separate restrooms for male and female students with a minimum of 2 sanitary toilets in each, and contains or will contain before classes commence the equipment established by rule of the commission as sufficient to properly instruct a minimum of 50 students.

(c) Each applicant shall furnish a good and sufficient surety bond payable to the State of Texas in an amount of \$5,000. The bond shall be conditioned to refund any unused portion of the tuition paid if the school closes or ceases operation before the courses of instruction have been completed.

(d) Each application shall be accompanied by payment of a \$250 license fee.

(e) The facilities of each applicant shall be inspected. The applicant is entitled to a private beauty culture school license if the inspection shows that the provisions of this Act and the rules and regulations of the commission have been met and the applicant has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Sec. 23. Beauty Shop License. (a) A person holding a beauty shop license may maintain an establishment in which any practice of cosmetology as defined in this Act is performed for compensation.

(b) An applicant for a beauty shop license shall submit an application on a form prescribed by the commission. The application shall contain proof of the particular requisites for a beauty shop as established by the commission and shall be verified by the applicant.

(c) The applicant is entitled to a beauty shop license if the application shows compliance with the rules and regulations of the commission, a \$25 license fee is paid, and he has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Sec. 24. Wig Salon License. (a) A person holding a wig salon license may maintain an establishment in which only the practice of cosmetology as defined in Subdivision (3)(E) of Section 1 of this Act is performed for compensation.

(b) An applicant for a wig salon license shall submit an application on a form prescribed by the commission. The application shall contain proof

of the particular requisites for a wig salon as established by the commission and shall be verified by the applicant.

(c) The applicant is entitled to a wig salon license if the application shows compliance with the rules and regulations of the commission, a \$25 license fee is paid, and he has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Sec. 25. Wig School License. (a) A person holding a wig school license may maintain an establishment in which only the practice of cosmetology as defined in Subdivision (3)(E) of Section 1 of this Act is taught for compensation.

(b) An applicant for a wig school license shall submit an application on a form prescribed by the commission. The application shall contain proof of the particular requisites for a wig school as established by the commission and shall be verified by the applicant.

(c) The applicant is entitled to a wig school license if the application shows compliance with the rules and regulations of the commission, a \$100 license fee is paid, and he has not committed an act which constitutes grounds for denial of a license under Section 42 of this Act.

Sec. 26. Public Vocational Schools. The facilities and equipment of the vocational cosmetology program in a public school must be inspected and approved by the director of inspections prior to commencing operation.

Sec. 27. Private Beauty Culture Schools. A private beauty culture school shall:

- (1) maintain a sanitary establishment;
- (2) maintain on its staff not less than two full-time instructors licensed under this Act;
- (3) maintain an instructor-student ratio of one instructor per 25 students or fraction thereof;
- (4) maintain a daily record of attendance of students;
- (5) establish regular class and instruction hours, grades, and hold examinations before issuing diplomas;
- (6) require a school term of not less than nine months and not less than 1,500 hours' instruction for a complete course in cosmetology;
- (7) require a school term of not less than six weeks and not less than 150 hours' instruction for a complete course in manicuring;
- (8) if offering a course of instruction qualifying a student for a wig specialist license require a school term of not less than 12 weeks and not less than 300 hours instruction for a complete course in the practice of cosmetology on wigs and artificial hairpieces;
- (9) require no student to work or be instructed or receive credit for more than eight hours of instruction in any one day, or for more than six days in any one calendar week;

(10) maintain a copy of its curriculum in a conspicuous place and verify that this curriculum is being followed as to subject matter being taught; and

(11) submit to the executive director the name of each student within 10 days after enrollment in the school and notify the executive director of the withdrawal or graduation of a student within 10 days of such withdrawal or graduation.

Sec. 28. Transfer of Hours of Instruction. (a) Any student of a private beauty culture school or a vocational cosmetology program in a public school may transfer completed hours of instruction to a private beauty culture school or vocational cosmetology program in a public school in this state. A transcript showing the number and courses of completed hours certified by the school in which the instruction was given must be submitted to the executive director. Upon evaluation and approval, the executive director shall certify in writing to the student and to the school to which the student desires a transfer that the stated hours and courses have been successfully completed and that the student is not required to repeat such instruction. Any student transferring completed hours of instruction into a vocational cosmetology program in a public school must also obtain the approval of the authorities in the school to which he is transferring.

(b) A private beauty culture school must furnish a student a transcript for the purpose of transfer under this section unless the student has not tendered the agreed tuition for the number of hours completed.

Sec. 29. Student Work on Patrons. (a) No school may receive compensation for work done by any student who has not completed 150 hours of the required number of hours for a license as provided by this Act.

(b) Each school shall maintain in a conspicuous place a list of the names and identifying pictures of the students who are qualified to work on a patron under Subsection (a) of this section.

(c) Any school violating this section shall pay to the commission a civil penalty of \$50 for each violation and shall be subject to revocation or suspension of its license.

Sec. 30. Private Beauty Culture Schools and Beauty Shops. Private beauty culture schools and beauty shops may not be conducted in the same quarters or on the same premises unless they are separated by walls of permanent construction with no openings in them.

Sec. 31. Employment by Licensees. (a) No private beauty culture school, wig school, or public school may employ a person holding an operator, manicurist, or wig specialist license solely to perform the practice or practices of cosmetology for which such person is licensed or employ a person holding an instructor or wig instructor license to perform any acts or practices of cosmetology other than to instruct a person in the practices of cosmetology or the care and treatment of wigs and artificial hairpieces, respectively.

(b) No licensee may operate a beauty salon or wig salon unless it is at all times under the direct supervision of a person holding an operator license or instructor license, or a wig specialist or wig instructor license, respectively.

(c) No licensee may operate a private beauty culture school or wig school unless it is at all times under the direct supervision of an instructor licensed under this Act.

(d) No person holding a beauty salon or wig salon license may employ a person as an operator, manicurist, or wig specialist who has not first obtained a license under this Act.

Sec. 32. Display of License. Every holder of a license issued under this Act shall display the license in a conspicuous place in his principal office, place of business, or place of employment.

Sec. 33. Right of Access. The commission, an inspector, or any duly authorized representative of the commission may enter and inspect the premises or work of any licensee at any time during normal business hours and in such manner as not to interfere with the conduct or operation of the business or school.

Sec. 34. Examinations. (a) Examinations shall be conducted in Austin on the first Tuesday of each month unless it is a legal holiday, in which case the examination shall begin on the following working day.

(b) No examination may be administered to an applicant who received his instruction in a private beauty culture school or wig school without certification from that school that the applicant has tendered, or has made arrangements to tender, the agreed tuition.

Sec. 35. Health Certificates. (a) Every applicant for an original or renewal manicurist, wig specialist, operator, instructor, wig instructor, or reciprocal license shall submit a certificate of health signed by a licensed physician, showing that the applicant is free from any contagious disease as determined by an examination which included a Wassermann test.

(b) Any physician who signs a health certificate required by Subsection (a) of this section showing the applicant to be free from any contagious disease without having made the physical examination shall be guilty of a misdemeanor and on conviction be fined not less than \$50 nor more than \$200.

Sec. 36. Itinerant Shops. The establishment of itinerant shops is prohibited. Any license granted under this Act shall permit the licensee to practice only in an establishment licensed under this Act or an establishment licensed under Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code).

Sec. 37. Infectious and Contagious Diseases. (a) No person holding a manicurist, operator, instructor, wig instructor, or wig specialist license may perform any practices of cosmetology knowing that he is suffering from an infectious or contagious disease.

(b) No person holding a beauty salon, wig salon, wig school, or private beauty culture school license may employ a licensee under this Act to perform any practice or practices of cosmetology knowing that the licensee is suffering from an infectious or contagious disease.

Sec. 38. Renewal of Unexpired Licenses. (a) All licenses issued under this Act except temporary licenses expire one year from the date of issue.

(b) Applications for renewal of an unexpired license must be filed at least 20 days prior to the expiration date of the license. Application shall be on a form prescribed by the commission.

(c) A renewal license shall be issued upon compliance with Subsection (a) and (b) of this section and payment of the renewal fee established by this Act.

Sec. 39. Renewal of an Expired License. (a) A license which has expired may be renewed within 30 days from the date of expiration by filing an application form prescribed by the commission, payment of the renewal fee provided by this Act, and payment of a \$5 delinquency fee.

(b) A license which has expired more than 30 days but less than five years from the date of application for renewal may be renewed. A renewal license shall be issued upon submission of an application form prescribed by the commission and payment of the renewal fee established by this Act for each year the license was expired without renewal.

(c) An applicant for renewal of a license which expired more than five years from the date of application for renewal shall be issued a renewal license on submission of an application on a form prescribed by the commission, payment of the examination fee, satisfactory completion of the examination fee, satisfactory completion of the examination administered for granting an original license, and payment of a \$25 reinstatement fee.

Sec. 40. Renewal Fees. The renewal fees for licenses issued under this Act are:

- (1) manicurist license—\$5;
- (2) operator license—\$10;
- (3) wig specialist license—\$10;
- (4) instructor license—\$15;
- (5) private beauty culture school license—\$150;
- (6) beauty shop license—\$15;
- (7) wig salon license—\$15;
- (8) wig school license—\$25; and
- (9) wig instructor license—\$15.

Sec. 41. Violation. (a) If an inspector discovers a violation of any provision of this Act or of the rules and regulations established by the commission, he shall give written notice of the violation on a form prescribed by the commission to the violator, and if the violation is not corrected within 30 days from the date of notice, the inspector shall file a complaint with the executive director.

(b) If a licensee commits three or more violations of a similar nature within any 12-month period, a suit for injunction under Section 45 of this

Act and proceedings for suspension or revocation of the license shall be instituted.

Sec. 42. Grounds for Denial, Suspension, or Revocation of Permit. A license may be denied, or after hearing, suspended or revoked if the applicant or licensee has:

(1) been convicted of a felony involving moral turpitude or misdemeanor involving immoral conduct; the record of conviction is conclusive evidence of the named felony or misdemeanor;

(2) secured a license by fraud or deceit;

(3) violated or conspired to violate the provisions of this Act or rules and regulations issued pursuant to this Act;

(4) knowingly made false or misleading statements in any advertising of the licensee's services;

(5) advertised, practiced, or attempted to practice under the name or trade name of another licensee under this Act; or

(6) been found by the executive director to be an habitual drinker or addicted to the use of any narcotic drug.

Sec. 43. Procedures for Denial, Suspension, or Revocation of a License.

(a) Any person whose application for a license is denied is entitled to a hearing before the commission if he submits a written request to the executive director.

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the executive director in writing and under oath. The charges may be made by any person or persons.

(c) The executive director shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for the hearing, to be served on the applicant requesting the hearing or licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant.

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, and to have subpoenas issued by the commission and to cross-examine opposing or adverse witnesses.

(e) The commission is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings but the determination shall be founded upon sufficient legal evidence to sustain it.

(f) The commission shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the commission shall be mailed to the applicant or licensee at his last known address by certified mail.

(g) On application, the commission may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final, and the application shall be made in the manner and form as the commission may require.

Sec. 44. Procedures for Appeal. (a) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the commission may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence.

(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used and understood in appeals from justice of the peace courts to the county courts of this state. Appeal from the judgment of the district court lies as in other civil cases.

Sec. 45. Injunction Proceeding. (a) The attorney general or any district or county attorney may institute an injunction proceeding to enjoin any person from engaging in any practice of cosmetology without having complied with the provisions of this Act.

(b) A violator shall forfeit to the state \$25 per day as a penalty for each day's violation, to be recovered in a suit by the district or county attorney or attorney general.

(c) The venue for an injunction proceeding under this section is in the county of the residence of the person against whom the injunction proceeding is instituted.

Sec. 46. Exemptions. (a) The following are exempt from the provisions of this Act:

- (1) service in the case of an emergency.
- (2) persons licensed by this state to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic;
- (3) registered nurses; and
- (4) persons engaged in the business of or receiving compensation for makeup applications only.

(b) A person exempt from the provisions of this Act may nevertheless apply for a license under this Act, and upon issuance of a license becomes bound by all the provisions of this Act.

(c) Nothing in this Act shall be construed to include those persons lawfully engaged in barbering under Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code), when so engaged in operating on male persons only, but such persons shall not be permitted to perform for compensation any of the practices of cosmetology as defined in Subdivision (3) of Section 1 of this Act on a female except in accordance with the provisions and requirements of this Act.

Sec. 47. Penalties. (a) Any person who violates a provision of this Act

except Section 35 is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100.

(b) Any licensee who violates a provision of this Act is guilty of a misdemeanor and upon conviction is punishable under Subsection (a) of this section and is subject to revocation or suspension of his license.

Sec. 48. Issuance of Licenses on Effective Date of Act. (a) On the effective date of this Act, any license issued by the State Board of Hairdressers and Cosmetologists remains valid but is subject to the renewal procedures established by this Act.

(b) At the effective date of this Act, any person engaged in a practice of cosmetology not previously required to be licensed shall be issued a license upon submission of an application on a form prescribed by the commission and payment of the original license fee. No examination shall be required. Application for a license under this subsection must be made within 120 days from the effective date of this Act. Persons eligible for a license under this subsection are not subject to prosecution for violation of Section 12 of this Act until 120 days after the effective date of this Act.

Sec. 49. Repealer. Chapter 116, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 734b, Vernon's Texas Penal Code), is repealed.

Sec. 50. In appointment to the initial commission, a person is eligible for appointment if he is entitled to receive a wig specialist, wig salon, wig school, or wig instructor license under Subsection (b) of Section 48 of this Act in lieu of the requirement of holding a valid wig specialist, wig salon, wig instructor, or wig school license. The governor shall appoint the members of the commission on the effective date of this Act.

Sec. 51. Section 4, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code), is amended to read as follows:

"Section 4. The practice of barbering is hereby defined to be the following practices when not done in the practice of medicine, surgery, osteopathy, or necessary treatments of healing the body by one authorized by law to do so; and when not done by a relative who cuts only the hair of those in his or her immediate family; and when done on living male persons.

"(A) Shaving or trimming the beard.

"(1) Cutting the hair;

"(2) Styling or processing the hair of males only.

"(B) By giving any of the following treatments by any person engaged in shaving or trimming the beard and/or cutting the hair.

"(1) Giving facial and scalp massages, or applications or oils, creams, lotions, or other preparations, either by hand or electrical appliances;

"(2) Singeing, shampooing, or dyeing the hair or applying hair tonics;

"(3) Applying cosmetic preparations, antiseptics, powders, oils, clays,

or lotions to the scalp, face, neck or that part of the body above the shoulders.

"Provided, however, that nothing contained in this Act shall be construed to include those persons lawfully engaged in beauty culture, hairdressing or cosmetology as provided by law, when so engaged in giving treatments or applications to female persons only, but such persons shall not be permitted to shave, trim the beard, style, process, color or cut the hair of male persons except in accordance with the provisions and requirements of this Act relating to barbering."

Sec. 52. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 53. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

Mr. Clayton offered the following amendment to Committee Amendment No. 1:

Amend HB 156, Second Printing, by deleting "150 hours" and substituting "10 percent" on line 17, page 9.

The amendment was adopted without objection.

Mr. Hubenak offered the following amendment to Committee Amendment No. 1:

Amend HB 156, Second Printing, by deleting "Executive Director" on line 49, page 1, and inserting "Commissioner of Education"; deleting "be" on line 50, page 1, and inserting "as part of his duties serve as" and inserting "with voting privileges" following "commission" on line 51, page 1.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted.

Mr. Clayton offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 156, First Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the regulation of cosmetologists and hairdressers; creating the Texas Cosmetology Commission; providing definitions, license qualifications, license fees, rules and regulations, procedures for licensing and renewal, and penalties; relating to the definition of the practice of barbering; amending Section 4, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a,

Vernon's Texas Penal Code); repealing Chapter 116, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 734b, Vernon's Texas Penal Code); and declaring an emergency.

The committee amendment was adopted without objection.

HB 156, as amended, was passed to engrossment by the following vote:

Yeas—126

Adams	Doyle	Kost	Rodriguez
Agnich	Dramberger	Kubiak	Rosson
Allen, Joe	Earthman	Lee	Salem
Allred	Farenthold	Lemmon	Salter
Atwell	Finnell	Lewis	Sanchez
Atwood	Finney	Lombardino	Santiesteban
Baker	Floyd	Longoria	Semos
Bass, B.	Foreman	Lovell	Shannon
Bass, T.	Gammage	McAlister	Sherman
Beckham	Garcia	McKissack	Short
Bigham	Golman	Mengden	Silber
Blanton	Graves	Moncrief	Simmons
Blythe	Hale	Moore, A.	Slider
Bowers	Hanna, Joe	Moore, G.	Smith
Boyle	Hannah, John	Moore, T.	Solomon
Braecklein	Harding	Moreno	Spurlock
Bynum	Harris	Nabers	Stewart
Calhoun	Hawkins	Nelms	Stroud
Carrillo	Hawn	Neugent, D.	Swanson
Cates	Head	Newton	Tarbox
Cavness	Heatly	Nichols	Tupper
Christian	Hilliard	Niland	Uher
Clark	Holmes, T.	Ogg	Vale
Clayton	Howard	Parker, C.	Von Dohlen
Coats	Hubenak	Parker, W.	Ward
Cole	Hull	Patterson	Wayne
Craddick	Ingram	Pickens	Williams
Daniel	Johnson	Poerner	Williamson
Davis, D.	Jones, E.	Poff	Wolff
Davis, H.	Jones, G.	Presnal	Wyatt
Denton	Kaster	Price	
Doran	Kilpatrick	Reed	

Nays—8

Allen, John	Burgess	Grant	Traeger
Angly	Finck	Schulle	Truan

Absent

Cobb	Ligarde	Orr
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Nabers moved to reconsider the vote by which HB 156 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 971 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 971, A bill to be entitled An Act ratifying, confirming, approving and validating the creation of City of Cities Municipal Utility District, the appointment or election of directors, all proceedings and actions had and taken by the board of directors, all bond elections and other elections, the annexation or addition of land to District and the exclusion of land by District, outstanding bonds of District and taxes levied and revenue pledged to same, and all proceedings or actions relating thereto; providing a no-litigation clause; providing a saving clause; and declaring an emergency.

The bill was read second time and was passed to engrossment.

HB 971 ON THIRD READING

Mr. Hubenak moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 971 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Adams	Coats	Hilliard	Neugent, D.
Agnich	Cole	Holmes, T.	Newton
Allen, Joe	Craddick	Howard	Nichols
Allen, John	Daniel	Hubenak	Niland
Allred	Davis, D.	Hull	Ogg
Angly	Davis, H.	Ingram	Parker, C.
Atwell	Denton	Johnson	Parker, W.
Atwood	Doyle	Jones, E.	Patterson
Baker	Farenthold	Kaster	Pickens
Bass, B.	Finck	Kilpatrick	Poerner
Bass, T.	Finnell	Kost	Poff
Beckham	Finney	Kubiak	Presnal
Bigham	Foreman	Lemmon	Price
Blanton	Gammage	Lewis	Reed
Blythe	Garcia	Lombardino	Rodriguez
Boyle	Golman	Longoria	Rosson
Braecklein	Grant	Lovell	Salem
Burgess	Hale	McAlister	Salter
Bynum	Hanna, Joe	McKissack	Sanchez
Calhoun	Hannah, John	Moncrief	Santiesteban
Carrillo	Harding	Moore, A.	Schulle
Cates	Harris	Moore, G.	Semos
Cavness	Hawkins	Moore, T.	Shannon
Christian	Hawn	Moreno	Sherman
Clark	Head	Nabers	Short
Clayton	Heatly	Nelms	Silber

Simmons	Stewart	Truan	Wayne
Slider	Stroud	Tupper	Williams
Smith	Swanson	Uher	Williamson
Solomon	Tarbox	Von Dohlen	Wolff
Spurlock	Traeger	Ward	Wyatt

Nays—9

Bowers	Earthman	Graves	Lee
Doran	Floyd	Jones, G.	Mengden
Dramberger			

Absent

Cobb	Ligarde	Orr	Vale
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

The Speaker then laid HB 971 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—133

Adams	Coats	Hawkins	Moore, A.
Agnich	Cole	Hawn	Moore, G.
Allen, Joe	Craddick	Head	Moore, T.
Allen, John	Daniel	Heatly	Moreno
Allred	Davis, D.	Hilliard	Nabers
Angly	Davis, H.	Holmes, T.	Nelms
Atwell	Denton	Howard	Neugent, D.
Atwood	Doran	Hubenak	Newton
Baker	Doyle	Hull	Nichols
Bass, B.	Dramberger	Ingram	Niland
Bass, T.	Earthman	Johnson	Ogg
Beckham	Farenthold	Jones, E.	Parker, C.
Bigham	Finck	Jones, G.	Parker, W.
Blanton	Finnell	Kaster	Patterson
Blythe	Finney	Kilpatrick	Pickens
Bowers	Floyd	Kost	Poerner
Boyle	Foreman	Kubiak	Poff
Braecklein	Gammage	Lee	Presnal
Burgess	Garcia	Lemmon	Price
Bynum	Golman	Lewis	Reed
Calhoun	Grant	Lombardino	Rodriguez
Carrillo	Graves	Longoria	Rosson
Cates	Hale	Lovell	Salem
Cavness	Hanna, Joe	McAlister	Salter
Christian	Hannah, John	McKissack	Sanchez
Clark	Harding	Mengden	Santiesteban
Clayton	Harris	Moncrief	Schulle

Semos	Solomon	Truan	Williams
Shannon	Spurlock	Tupper	Williamson
Sherman	Stewart	Uher	Wolff
Short	Stroud	Vale	Wyatt
Silber	Swanson	Von Dohlen	
Simmons	Tarbox	Ward	
Slider	Traeger	Wayne	

Absent

Cobb	Ligarde	Orr	Smith
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Hubenak moved to reconsider the vote by which HB 971 was passed and to table the motion to reconsider.

The motion to table prevailed.

INTRODUCTION OF HB 1657

Mr. Hale asked unanimous consent to introduce and have placed on first reading HB 1657.

There was no objection offered.

HB 1657—ORDERED NOT PRINTED

On motion of Mr. Hale, HB 1657 was ordered not printed on First Printing.

ADJOURNMENT

Mr. Johnson moved that the House adjourn until 11:00 a.m. next Monday.

The motion prevailed without objection.

The House accordingly, at 12:45 p.m., adjourned until 11:00 a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Highways and Roads has filed a favorable report on HB 615 and HB 936.

FORTY-NINTH DAY—MONDAY, APRIL 5, 1971

The House met at 11:00 a.m. and was called to order by the Speaker.